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FILED

JUL 31 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Richard Gilbert Gutierrez

C

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3939

CASE NO. _____

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

SBA

(PR)

I, Richard Gutierrez, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A

Employer: N/A

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 LAST Employment Feb 20 2004 800 Net per
 5 month Turlock Scavengers 120 South
 6 Walnut Turlock, CALIF 95350

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes No
 10 self employment

11 b. Income from stocks, bonds, Yes No
 12 or royalties?

13 c. Rent payments? Yes No
 14 d. Pensions, annuities, or Yes No
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes No
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 _____

22 _____

23 3. Are you married? Yes No

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: N/A

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ _____

5 Ame. M. Gw 3yr
6

7 5. Do you own or are you buying a home? Yes No

8 | Estimated Market Value: \$ ✓ 14 Amount of Mortgage: \$ ✓ 14

9 6. Do you own an automobile? Yes No

10 Make 11/14 Year 11/14 Model 11/14

11 Is it financed? Yes ✓/A No N/A If so, Total due: \$ N/A

12 Monthly Payment: \$ 114

13 7. Do you have a bank account? Yes X No ___ (Do not include account numbers.)

14 Name(s) and address(es) of bank: Wells Fargo San Jose, CALIF

15 _____

16 Present balance(s): \$ 81.25

17 Do you own any cash? Yes No Amount: \$ —0—

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated value.)

19 market value.) Yes No X

20 DATA

21 8. What are your monthly expenses?

22 Rent: \$ 1,000 Utilities: \$ 150

23 Food: \$ 200 Clothing: \$20

24 | Charge Accounts:

25 Name of Account Monthly Payment Total Owed on This Acct.

26 N/A \$ N/A N/A

27 Na Na Na

28 *NA* 8 *NA* 9 *Do*

1 you have any other debts? (List current obligations, indicating amounts and to whom they are
2 payable. Do not include account numbers.)

3 \$ 8,000 Memorial Hospital

4 \$ 2,500 Washington Hospital

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes No _____

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 Richard Gutierrez vs cb Does I-20 Medical Staff
10 Does I-20 Grievance No. 68705

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15

16 July 25, 2007

17 DATE

Richard Gutierrez

18 SIGNATURE OF APPLICANT

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1
2 Case Number: _____
3 CNS 503
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CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

6A

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Richard Gutierrez for the last six months at

[prisoner name]
SAC DEPT. OF CORRECTION where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 34.83 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 3.59.

Dated: 7/18/07

Guising
[Authorized officer of the institution]